

By the Committee on Environmental Preservation and Conservation;  
and Senators Simmons, Soto, and Abruzzo

592-02203A-14

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A bill to be entitled

An act relating to sharks; amending s. 379.407, F.S.;  
providing penalties for possession of separated shark  
fins on state waters; amending s. 379.401, F.S.;  
conforming a cross-reference; providing an effective  
date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Present subsections (5) through (8) of section  
379.407, Florida Statutes, are renumbered as subsections (6)  
through (9), respectively, and a new subsection (5) is added to  
that section, to read:

379.407 Administration; rules, publications, records;  
penalties; injunctions.—

(5) PENALTIES FOR POSSESSION OF SEPARATED SHARK FINS ON THE  
WATER.—

(a) It shall be unlawful for a commercial harvester to  
possess separated shark fins while on the waters of this state.  
It is a major violation under this section for a commercial  
harvester to be in possession of shark fins on state waters that  
are not attached to a shark carcass.

(b) A commercial harvester who violates this subsection  
shall be punished as follows:

1. A first violation is a misdemeanor of the second degree,  
punishable as provided in s. 775.082 or s. 775.083, and such  
person is subject to a suspension of all license privileges

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under this chapter for 30 days.

2. A second violation is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and such person is subject to a suspension of all license privileges under this chapter for 90 days.

3. A third violation is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a mandatory minimum term of imprisonment of 6 months, and such person may also be assessed a civil penalty of up to \$2,500 and is subject to a suspension of all license privileges under this chapter for 6 months.

4. A third violation within 1 year after a second violation is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, with a mandatory minimum term of imprisonment of 1 year, and such person shall be assessed a civil penalty of \$5,000, and all license privileges under this chapter shall be permanently revoked.

5. A fourth or subsequent violation is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, with a mandatory minimum term of imprisonment of 1 year, and such person shall be assessed a civil penalty of \$5,000, and all license privileges under this chapter shall be permanently revoked.

Section 2. Paragraph (a) of subsection (2) of section 379.401, Florida Statutes, is amended to read:

379.401 Penalties and violations; civil penalties for noncriminal infractions; criminal penalties; suspension and forfeiture of licenses and permits.—

(2) (a) LEVEL TWO VIOLATIONS.—A person commits a Level Two

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violation if he or she violates any of the following provisions:

1. Rules or orders of the commission relating to seasons or time periods for the taking of wildlife, freshwater fish, or saltwater fish.

2. Rules or orders of the commission establishing bag, possession, or size limits or restricting methods of taking wildlife, freshwater fish, or saltwater fish.

3. Rules or orders of the commission prohibiting access or otherwise relating to access to wildlife management areas or other areas managed by the commission.

4. Rules or orders of the commission relating to the feeding of wildlife, freshwater fish, or saltwater fish.

5. Rules or orders of the commission relating to landing requirements for freshwater fish or saltwater fish.

6. Rules or orders of the commission relating to restricted hunting areas, critical wildlife areas, or bird sanctuaries.

7. Rules or orders of the commission relating to tagging requirements for wildlife and fur-bearing animals.

8. Rules or orders of the commission relating to the use of dogs for the taking of wildlife.

9. Rules or orders of the commission which are not otherwise classified.

10. Rules or orders of the commission prohibiting the unlawful use of finfish traps.

11. All prohibitions in this chapter which are not otherwise classified.

12. Section 379.33, prohibiting the violation of or noncompliance with commission rules.

13. Section 379.407(7) ~~Section 379.407(6)~~, prohibiting the

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88 sale, purchase, harvest, or attempted harvest of any saltwater  
89 product with intent to sell.

90 14. Section 379.2421, prohibiting the obstruction of  
91 waterways with net gear.

92 15. Section 379.413, prohibiting the unlawful taking of  
93 bonefish.

94 16. Section 379.365(2)(a) and (b), prohibiting the  
95 possession or use of stone crab traps without trap tags and  
96 theft of trap contents or gear.

97 17. Section 379.366(4)(b), prohibiting the theft of blue  
98 crab trap contents or trap gear.

99 18. Section 379.3671(2)(c), prohibiting the possession or  
100 use of spiny lobster traps without trap tags or certificates and  
101 theft of trap contents or trap gear.

102 19. Section 379.357, prohibiting the possession of tarpon  
103 without purchasing a tarpon tag.

104 20. Rules or orders of the commission prohibiting the  
105 feeding or enticement of alligators or crocodiles.

106 21. Section 379.105, prohibiting the intentional harassment  
107 of hunters, fishers, or trappers.

108 Section 3. This act shall take effect July 1, 2014.